UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

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In re:	Coming Comits	Case N	0.		
Preiest Darrin Smith Brandi Lee Smith		CHAPTER 13 PLAN			
		_ X _O ₁	iginal	AMENDED	
	Debtor(s).	Date:	March 12, 2019		
I.	Disclosure of Nonstandard Provisions and Plan's Mod	lificatio	n of Secured Debt:		
	A. Does this plan contain any nonstandard provisions (cl. X Yes No B. Does this plan limit the amount of a secured claim bas (check one)? Yes X No			al for the claim	
languag interest	C. Does this plan avoid a security interest or lien (check of Yes Yes X No ebtor has either not indicated "yes" in the applicable section or lien is void. Even if the Debtor indicated "no" in Section claim based on a valuation of the collateral for the claim of the collateral section.	on above laim bas n 1.B oi	ed on a valuation of the Section 1.C, the Debtor	collateral or to avoid a security may seek to limit the amount of a	
II.	Means Test Result and Plan Duration: Debtor is (check one): X a below median income debtor with a 36 month an above median income debtor with a 60 month.	applica	able commitment period		
of allow	n's length shall not be less than the Debtor's applicable coved unsecured claims over a shorter period or is modified pength shall automatically be extended up to 60 months after	ost-con	firmation. If the Debtor i	is below median income, then the	
1II. No	Plan Payments to the Trustee: later than 30 days after the order for relief, the Debtor shale. A. AMOUNT: \$500.00 Monthly B. FREQUENCY (check one): X Monthly Twice per month Every two weeks Weekly C. TAX REFUNDS: The Debtor (check one):	ll comm	ence making payments t	o the Trustee as follows:	
	commits all tax refunds to funding the plan. Gamount stated above X_ does not commit; all tax refunds to funding D. PAYMENTS: Plan payments shall be deducted.	the plar	. If no selection is made	, tax refunds are committed.	
	or ordered by the Court. E. OTHER:		C	,	

IV. Distribution of Plan Payments by the Trustee:

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Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

A.	ADMINISTR	ATIVE	EXPENSES:
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- 1. Trustee. The percentage set pursuant to 28 USC §586(e).
- 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
- 3. <u>The Debtor's Attorney's Fees</u>: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be \$ **4,000.00** . \$ **500.00** was paid prior to filing.

Approved attorney compensation shall be paid as follows (check one):

- a. X Prior to all creditors
- b. __ Monthly payments of \$_
- c. __All remaining funds available after designated monthly payments to the following creditors: __.
- d. Other: .

If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C.

В.	CURRENT DOMESTIC SUPPORT (OBLIGATIONS:	
	Creditor	Monthly amount	
	-NONE-	\$	

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.

The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

1. <u>Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence</u> (Interest included in payments at contract rate, if applicable):

Ongoing Payments: Rank **Monthly Payment** Creditor Collateral -NONE-Cure Payments: Monthly Arrears to be Interest Rank Creditor Collateral **Payment** Rate Cured

2. <u>Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by</u>
Real Property Other than the Debtor's Principal Residence:

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\$

-NONE-

%

Ongoing Payments:

Cure Payments: Monthly Rank Payment Creditor Collateral Cure Payments: Arrears to be Interest of Europe Rate	eral Ra	<u>Collateral</u>	<u>Creditor</u>	nthly Payment -NONE-	<u>k</u> <u>Mo</u>	Rank
Monthly Arrears to be Interest Payment Creditor Collateral Collateral Rate			_		Payments:	Cure Pa
\$ -NONE- \$	<u>Cured</u> <u>Rate</u>	<u>Collateral</u>	<u></u>	Monthly Payment Cree	•	

3. Payments on Claims Secured by Personal Property:

a. 910 Collateral.

The Trustee shall pay the contract balance stated in the allowed proof of claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the Debtor within 910 days preceding the filing date of the petition or in other personal property acquired within one year preceding the filing date of the petition as specified below. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

Rank	Monthly Payment	<u>Creditor</u>	<u>Collateral</u>	Adequat	firmation te Protection y Payment	Interest <u>Rate</u>	
1	\$ 145.78	Hartjoy Funding	2004 Infiniti G35 140000 miles	\$	0.00	4.75	%
1	\$ 51.34	Hartjoy Funding	2004 Madza MPV 198000 miles	\$	0.00	4.75	%
1	\$ 14.93	Hartjoy Funding	2007 Ford Focus 300000 miles	\$	0.00	4.75	%

b. Non-910 Collateral.

The Trustee shall pay the value of collateral stated in the proof of claim, unless otherwise provided in Section X or ordered following a timely objection to a proof of claim or in an adversary proceeding, for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.

	Monthly		Debtor's Value of		Pre-Confirmation Adequate Protection	Interest	
Rank	Payment	Creditor	Collateral	Collateral	Monthly Payment	Rate	
	\$	-NONE-	\$		\$		%

- D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 U.S.C. § 507(a).
- E. NONPRIORITY UNSECURED CLAIMS: No funds shall be paid to nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due. The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

	100%		
X	At least \$	0	

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

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Rank	<u>Creditor</u> All nondischargeable	Amount of Claim	Percentage to be Paid	Reason for Sp	pecial Classification
2	traffic and criminal fines - See X.2	\$	100 %	6 Licensing	
v.	Direct Payments to be made by	the Debtor and not b	oy the Trustee:		
The follo	owing claims shall be paid directl	y by the Debtor accord	ing to the terms of the contra	act or support or	withholding order, and
shall rec	eive no payments from the Truste	ee. (Payment stated sha	ll not bind any party.)		
	A. DIRECT PAYMENT OF DO	MESTIC SUPPORT C	BLIGATIONS:		
Credito	or	Current M	onthly Support Obligation	Month	nly Arrearage Payment
-NONE	- -	\$		\$	
	B. OTHER DIRECT PAY	MENTS:			
Credito		Nature of Debt	Amou	unt of Claim	Monthly Payment
-NONE	<u>-</u>				>
VI.	Secured Property Surrendered	l :			
The secu	ared property described below wil	ll be surrendered to the	following named creditors of	on confirmation.	
The Deb	otor requests that upon confirmation	on, each creditor (inclu	ding successors and assigns)	to which the De	btor is surrendering
property	pursuant to this section be grante	ed relief from the stays	of 11 U.S.C. §§ 362(a) and 1	301(a) to enforc	e its security interest
	the property including taking poss		- ` ` ,	• •	•

VII. Executory Contracts and Leases:

Creditor -NONE-

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

<u>Contract/Lease</u> Lakewood Village Apartments Assumed or Rejected Rejected

Property to be Surrendered

VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

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- 1. All refunds due debtor attributable to discharge or dismissal shall be disbursed through debtor's counsel.
- 2. Trustee shall pay 100% of nondischargeable tickets, criminal fines and criminal tickets prior to disbursement to other unsecured claims, but after secured and priority claims. All other ticket claims shall be paid pro rata with other general unsecured claims.

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

(Signature Page)

/s/ Jan Gossing	/s/ Preiest Darrin Smith	March 12, 2019
Jan Gossing 31559	Preiest Darrin Smith	Date
Attorney for Debtor(s)	DEBTOR	
March 12, 2019	/s/ Brandi Lee Smith	March 12, 2019
Date	Brandi Lee Smith	Date
	DEBTOR	